

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

THE UNITED STATES OF AMERICA, on the use
and title of R. Mechanical, Inc.,

JUDGE KOELT

SUMMONS IN A CIVIL ACTION

V.

HUMPHREYS & HARDING, INC. and LIBERTY
MUTUAL INSURANCE COMPANY, as surety,

CASE NUMBER:

08 CIV 43797

TO: (Name and address of Defendant)

HUMPHREYS & HARDING, INC.
755 Second Avenue, 2nd Floor
New York, NY 10017

LIBERTY MUTUAL INSURANCE COMPANY
1211 Avenue of the Americas, New York, NY 10036

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William J. Cortellessa, Esq.
Salon Marrow Dyckman Newman & Broudy, LLP.
292 Madison Avenue, 6th Floor
New York, NY 10017
(212) 661-7100

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

MAY 09 2008

(By) DEPUTY CLERK

[Signature]

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
COUNTY OF NEW YORK

DISTRICT:

Attorneys: Salon Marrow Dyckman & Newman, LLP PH: 212-661-7100

Address: 292 Madison Avenue, 6th Flr New York NY 10017 File No.: 11713.002

THE UNITED STATES OF AMERICA, ETC.

vs

Plaintiff(s)/Petitioner(s)

HUMPHREYS & HARDING, INC, ET ANO

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

AFFIDAVIT OF SERVICE

Markland J. Harrison, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On June 5, 2008 at 1:49PM, at 1211 AVENUE OF AMERICAS, NEW YORK, NY 10036, deponent served the within Summons and Complaint with Rule 7.1 Statement

on: LIBERTY MUTUAL INSURANCE COMPANY, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION ☒ By delivering thereat a true copy of each to JAMES DIPASQUALE personally, deponent knew the person so served to be the AGENT AUTHORIZED of the corporation, and authorized to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's: [] actual place of business [] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the _____ day of _____ at _____

on the _____ day of _____ at _____

on the _____ day of _____ at _____

Address confirmed by _____

#5 MAIL COPY ☐ On _____, deponent completed service by depositing a true copy of each document to the Defendant at 1211 AVENUE OF AMERICAS, NEW YORK, NY 10036 in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York and Certified Mail # _____

#6 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
(use with #1, 2 or 3) Sex: Male Color of skin: White Color of hair: GREY/BALD Age: 50-60 Yrs. Height: 5' 4" - 5' 8"
Weight: 131 - 160 Lbs. Other Features: _____

#7 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8 MILITARY SRVC ☐ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 USE IN NYC CIVIL COURT ☐ The language required by NYCRR 2900.2 (e), (f) & (h) was set forth on the fact of said summons (es).

#10 OTHER ☐

Sworn to before me on June 6, 2008

WENDY RESNICK
NOTARY PUBLIC, State of New York
No. 01RE5067464, Westchester County
Commission Expires Oct. 15, 2010

Markland J. Harrison

Server's Lic # 1080830

Invoice/Work Order # 08014762